

AO 91 (Rev. 02/09) Criminal Complaint



United States District Court

for the
Western District of New York

United States of America

v.

Case No. 22-mj-1079

MICHAEL ANGSTENBERGER

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

(1) On or about September 12, 2021, in the Western District of New York, and elsewhere, the defendant, MICHAEL ANGSTENBERGER, did knowingly receive, and attempt to receive, child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

(2) On or about April 7, 2022, in the Western District of New York, the defendant, MICHAEL ANGSTENBERGER, did knowingly possess material, that is, a Samsung SM-N981U cellular phone, which contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been transported using any means and facility of interstate and foreign commerce, and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Criminal Complaint submitted electronically by e-mail in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4(d)(3):

Date: June 21, 2022

City and State: Rochester, New York

Complainant's signature

RANDALL E. GARVER
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Judge's signature

HON. JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I. INTRODUCTION

I, RANDALL E. GARVER, after being duly sworn, depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation and entered on duty in May 2006. I am currently assigned to the Buffalo Field Office and work on cases associated with the Violent Crimes Against Children program, which targets individuals involved in the online sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, 2423, and 2261. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child sexual abuse material (CSAM), Sexual Enticement, Travel to Engage in Illicit Sexual Conduct, and Cyberstalking laws in which computers or smartphones/devices are used for engaging in such violations of Federal law.

2. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers, and the review of documents and records related to this case. This affidavit is made in support of a criminal complaint charging **MICHAEL ANGSTENBERGER** with violations of Title 18, United States Code, Sections 2252A(a)(5)(B) (possession of child pornography) and 2252A(a)(2)(A) (receipt of child pornography).

3. Through my experience and training, I am aware that Title 18, United States Code, Section 2256 defines “minor”, for purposes of Section 2252A, as “any person under the age of eighteen years.” Section 2256 also defines “sexually explicit conduct” for purposes

of Section 2252A as including: (a) genital-genital, oral-genital, anal-genital, and oral-anal sexual intercourse, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; and (e) lascivious exhibition of the anus, genitals, or pubic area of any person.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint, I have not included every detail of the investigation. Rather, I have set forth facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, United States Code, Sections 2252A(a)(5)(B) (possession of child pornography) and 2252A(a)(2)(A) (receipt of child pornography) have been committed by **ANGSTENBERGER**.

II. PROBABLE CAUSE

5. In March 2022, I received Cyber Tipline (“Cybertip”) number 109288483 that the National Center for Missing and Exploited Children (NCMEC) issued. The report stated that on or about December 1, 2021, officials with Snapchat advised NCMEC that on or about November 30, 2021, at 10:41:36 UTC and 10:49:41 UTC, Snapchat account caty1234 shared or sent two videos that constituted child sexual abuse material (CSAM). I reviewed both videos, which are described below, and submit that they meet the definition of “sexually explicit conduct,” as defined by Title 18 United States Code Section 2256.¹

¹ In this affidavit, I intend the term “child sexual abuse material,” or “CSAM,” to have the same meaning as the term “child pornography,” as the latter term is defined in Title 18, United States Code, Section 2256(8). I use the term “CSAM” interchangeably with the term “child pornography.” Thus, my conclusion that a particular image or video qualifies as “CSAM” necessarily means that I believe that the image qualifies as “child pornography,” as that term is defined under federal law.

6. The Cybertip continued and stated that when Snapchat account catybug1234 was established, the user provided his/her date of birth as February 11, 2008 and used email account daddy9447@protonmail.com as the associated email address. Proton Mail is an encrypted email service based in Switzerland. The Cybertip also reported that account caty1234 uploaded the two CSAM videos from IP address 98.5.220.188. Snapchat's IP log closest to the subject uploads was on November 26, 2021 at 21:21:01 UTC. The Cybertip did not provide additional information as to why this IP address was selected. However, based on my training and experience, I know that if an IP address does not correspond to a specific CSAM upload, investigators often select the closest IP address that resolves to an internet service provider to identify a specific target address. When an individual logs into a Snapchat account, the IP is logged by the Snapchat server.² If the user does not log out or switch IP addresses, there may not be an additional IP log. Thus, if a person logs into a Snapchat account, does not log out of the account and, several days, later, sends CSAM using the account, the log-in IP address may often be the closest IP address that corresponds to the CSAM activity.

7. The videos shared by catybug1234 are further described below:

1) a video, 52 seconds in duration, that depicted an early-pubescent girl, in my opinion approximately age 12, standing in a bra and underwear. The girl removed her underwear and exposed her vagina. The girl sat down on a cushion and inserted a sex toy into her vagina and masturbated.

2) a video, 15 seconds in duration, that depicted an early-pubescent girl, in my opinion approximately age 12 (possibly the same girl discussed above), on her knees facing away from the camera. The girl's vagina was exposed, and her right index finger was placed inside her rectum. There is possibly another individual whose hand is briefly visible in the video.

² Based on my training and experience, I know that Snapchat's servers operate in interstate and foreign commerce.

8. The Cybertip was sent to the New York State Internet Crimes Against Children (ICAC) Task Force. On or about January 27, 2022, officials at the ICAC sent a summons to Charter Communications seeking the registrant of IP address 98.5.220.188 on November 26, 2021 at 21:21:01 UTC. On or about February 21, 2022, officials with Charter Communications provided their response:

Name: [Person 1]
 Address: [Address 1], North Tonawanda, New York 14120
 Username: [Email address 1]@gmail.com
 Phone: (716) 868-xxxx³

9. An FBI intelligence analyst located Twitter page @Berger9447 which was assessed to likely belong to **ANGSTENBERGER**. This assessment was based on the similarity of the name (“Berger”) to **ANSTENBERGER** and the numbers in the handle (“9447”), which were identical to those used in the email account (daddy9447@protonmail.com) associated with Snapchat account catybug1234. Additionally, the Twitter account’s profile picture depicted **ANGSTENBERGER** on a hockey team wearing a jersey bearing number 47. The analyst then located Instagram account Snails94 which displayed a picture of a hockey jersey bearing number 47, and depicted pictures of **ANGSTENBERGER**, including an image of him wearing the same (or similar) hockey jersey mentioned above. The analyst also located a Facebook page, www.facebook.com/mike.angstenberger (vanity name “Michael Angstenberger”), which displayed a photo of **ANGSTENBERGER** wearing the same (or similar) hockey jersey bearing number 47, like the images on the Instagram and Twitter accounts.

³ The individual identified as “Person 1” is not **ANGSTENBERGER**. Likewise, the redacted phone number and email address listed above do not belong to **ANGESTENBERGER**. **ANGESTENBERGER**, however, lives at Address 1.

10. On or about March 17, 2022, in response to an administrative subpoena, officials at Snapchat advised the FBI that account that catybug1234 was created on May 11, 2021 from IP address 98.5.220.188 and used email account daddy9447@protonmail.com to register. On or about March 21, 2022, in response to an administrative subpoena, officials at Facebook advised the FBI that account www.facebook.com/mike.angstenberger was created in January 2008 and had email account snails94@yahoo.com and telephone number (716) 560-9191 associated with the account. The telephone number was verified, meaning Facebook communicated with the account user over the number (likely a verification code or something similar). On or about March 22, 2022, in response to an administrative subpoena, officials at Instagram provided subscriber and IP information for account Snails94. The return showed the account was created in December 2012 and was associated with email address snails94@yahoo.com and telephone number (716) 560-9191 (also verified). On or about March 22, 2022, in response to an administrative subpoena, officials at Twitter provided subscriber and IP information for account @Berger9447. The return showed the account was created in November 2009 and the display name was "Mike Angstenberger". The account was associated with email address snails94@yahoo.com and telephone number (716) 560-9191.

11. Using information detailed herein, on April 5, 2022, Magistrate Judge H. Kenneth Schroeder, Jr. signed a warrant authorizing the search of **ANGSTENBERGER**'s apartment. On April 7, 2022, the FBI executed the warrant and seized a Samsung smart phone and Samsung tablet from **ANGSTENBERGER**'s bedroom.

12. During the execution of the warrant, I had the opportunity to speak to

ANGSTENBERGER about the circumstances of the search warrant. ANGSTENBERGER told me that his phone number was (716) 560-9191 and he often used numbers 94 and 47 in his online accounts because they were his hockey jersey numbers. ANGSTENBERGER denied any knowledge of Snapchat account catybug1234. I told ANGSTENBERGER that the FBI learned that catybug1234 distributed a video of a minor girl masturbating from his residence's IP address. ANGSTENBERGER then invoked his right to counsel and no further questions were asked of him.

13. Pursuant to the warrant, both the Samsung phone and Samsung tablet were searched using Cellebrite. I reviewed the results of a Samsung model SM-N981U phone and found it contained child pornography.⁴ Of note, videos titled IMG_0151 and IMG_1485(1) were located on the device and found to be identical videos to those described in paragraphs 7(1) and 7(2) above, respectively. The table below summarizes three additional child pornography videos located on ANGSTENBERGER's phone:

File Name	Date Associated	Description
VID_20200212_172900_972	12/29/2021	A video, 22 seconds in duration, of a nude prepubescent girl, in my opinion approximately age 7, laying on her back as an adult man masturbated over the girl and ejaculated on her face and torso.
VID-20150127-WA0110	12/25/2021	A video, 4 minutes and 27 seconds in duration, of a nude prepubescent girl, in my opinion approximately age 8, laying on her stomach, performing oral sex on a nude adult male.
VID-20190409-WA0295	04/13/2019	A video, 3 minutes and 1 second in duration, of a prepubescent girl, in my opinion approximately age 8. The girl briefly masturbated an adult man before sitting on top of a desk. The girl removed her underwear, and the adult male had vaginal intercourse with the girl.

⁴ This phone was manufactured outside of New York State.

14. I reviewed a Child Identification Report (CIR, report number 153236) prepared by NCMEC. The report stated that 189 images and 13 videos submitted from **ANGSTENBERGER**'s seized devices were already catalogued as known child pornography by NCMEC. The table below summarizes three images discovered on **ANGSTENBER**'s phone that NCMEC classified as child pornography:

File Name	Date Associated	Description
76BUHDjA	02/05/2022	A prepubescent girl, in my opinion approximately age 5, holding an adult's erect penis with her mouth near the underside of the penis.
Lv5GSQCA	02/08/2022	A naked adult male on his back (only legs and scrotum visible) with a prepubescent girl, in my opinion approximately age 8, straddling the adult while having vaginal intercourse. Only the child's back is visible.
Lq4KARaQ	02/05/2022	A prepubescent girl, in my opinion approximately age 10, performing oral sex on an adult man.

15. As I continued to further review the smart phone, I located a photo titled 20220322_030558, which was a picture of **ANGSTENBERGER** wearing a black skull cap with a yellow sticker-style patch on the front that stated, "Caution Explosive Cellys May Occur Supreme 1s". On the left side of the patch is a hockey stick in a gloved hand and the word "Bauer", which I know to be a hockey equipment company. I found an identical decal on the Bauer Hockey twitter page (www.twitter.com/bauerhockey/status/687353284374315008). I found similar pictures of **ANGSTENBERGER** wearing the same hat. Those pictures were titled 20220316_021257 and 20220316_025949. In the picture ending 025949, **ANGSTENBERGER** wore a dark-colored Under Armor sweatshirt with a green t-shirt underneath, the described hat, and was seated in a vehicle. I then located a picture named screenshot_20220318-050804_Chrome.

The image depicted a screen shot from a website titled gotalk.to/sleep. The image was a face picture of a girl, in my opinion approximately age 13, with **ANGSTENBERGER** in the lower left-hand corner of the screen shot. In the image, **ANGSTENBERGER** wore the Under Armor sweatshirt, the described hat, and sat in a vehicle. The screen shot showed the meeting had been in session for 7 minutes and 14 seconds when the screen shot was created.

16. As I continued my review, I found an image titled 20220127_223652 which appeared to be the same girl described above wearing a predominately red bra and no pants. The girl stood in a bathroom mirror and turned her leg to conceal her vaginal area. The girl held a phone toward the mirror and made a peace sign. In the background of the image was a yellow-green toilet seat and a bathtub with green trim/accents. In a picture titled 20220127_222858, the same toilet and toilet seat and green bathtub were visible. In the image, the girl laid on the bathroom floor nude from the waist down, exposed her pubic area and an object was inserted into her vagina.

17. As part of my investigation, I obtained records related to **catybug1234** from Snapchat pursuant to Title 18 U.S.C. Section 2703(d). In response to the order, Snapchat provided the FBI with IP logs and a friends list that related to users that **catybug1234** chatted with. I then reviewed certain creation times of images found on **ANGSTENBERGER**'s seized smart phone that I believed were potentially new, unidentified, victims of child pornography. I compared the image creation times (from the seized device) with IP logs obtained from Snapchat to determine the Snapchat username of the possible victim. There were multiple images from each potential victim. I note to the Court that the FBI is endeavoring to identify these victims but has not yet been able to do so. The table below summarizes certain findings:

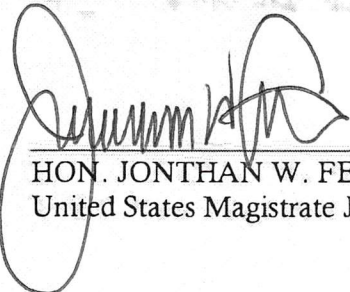
File Name of Image on Seized Device	Time (UTC)	File Description	Snapchat IP log (UTC)	Associated Snapchat username ⁵
1632776734285.jpg	09/27/2021 at 2105	Close up image of a girl, whose age is difficult to assert, masturbating.	9/27/2021 at 2105	[Redacted]
1631484835779.jpg	09/12/2021 at 2213	Close up image of an early-pubescent girl, in my opinion approximately age 12, masturbating	09/27/2021 at 2213	[Redacted]
1626493415609.jpg	07/17/2021 at 0343	Image of a pre-pubescent girl, in my opinion approximately age 10, nude from the waist down, legs spread, and right finger inserted into her vagina.	07/17/2021 at 0343	[Redacted]
- 2056408677515768989.jpg	12/01/2021 at 0042	Screenshot likely taken by ANGSTENBERGER (his phone's app icons appear on top of screen); the image is a close up of an early-pubescent girl, in my opinion approximately age 11, with her right finger inserted into her vagina. On the screen appeared, "for you bbg<33".	12/01/2021 at 0043	[Redacted]

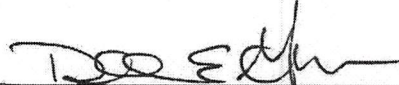
⁵ Each of the Snapchat usernames identified below is different.

III. CONCLUSION

18. Based upon the above information, I assert that probable cause exists to believe that **MICHAEL ANGSTENBERGER** knowingly violated Title 18, United States Code, Sections 2252A(a)(5)(B) (possession of child pornography) and 2252A(a)(2)(A) (receipt of child pornography) and respectfully request this Court issue a Criminal Complaint and Arrest Warrant for **ANGSTENBERGER**. Further, to allow the FBI to effectuate the arrest warrant, I request that the warrant and Criminal Complaint be sealed until **ANGESTENBERGER** is arrested.

Affidavit submitted electronically by e-mail in .pdf format. Oath administered and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4(d)(3), this 21 day of June 2022.



HON. JONTHAN W. FELDMAN
United States Magistrate Judge

RANDALL E. GARVER
Special Agent
Federal Bureau of Investigation